Remarks

This is in response to the non-final Office Action mailed April 15, 2009. Claims 1-8 remain pending. Reconsideration and allowance are requested for the following reasons.

I. Claim Amendments

Claim 1 is amended. Example support for the amendment is found at page 24, lines 24-28 of the application.

II. Claim Rejections – 35 U.S.C. § 112

Claims 1-8 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Action states that the "negative" limitation "without use of an automatic drive mechanism" is not supported by the specification. This rejection is respectfully traversed, and the correctness of this rejection is not conceded.

It is respectfully suggested that all of the limitations of claim 1 are fully supported by the specification. However, to move prosecution forward, claim 1 is amended to recite that manually moving the needle is accomplished by allowing the patient to move the housing relative to the sleeve towards the skin of the patient. As noted above, this limitation is fully supported by the specification. See page 24, lines 24-28. Reconsideration and allowance of claim 1, as well as any claims that depend therefrom, are therefore requested.

II. Hunn et al., U.S. Patent Application Publication No. 2004/0158207

The Action states that, upon removal of the limitation requiring "without use of an automatic drive mechanism," claims 1-8 will again be rejected based on Hunn et al., U.S. Patent Application Publication No. 2004/0158207. Such a proposed rejection is inappropriate for the following reasons.

Claim 1 recites the patient manually moving the housing and the needle of the insertion device relative to the sleeve from a retracted position to an extended position, wherein manually moving the needle is accomplished by allowing the patient to move the housing relative to the sleeve towards the skin of the patient.

As noted previously, Hunn fails to disclose or suggest allowing a patient to manually move the needle of the insertion device from a retracted position to an extended position. In

Hunn, the user presses a button 24 to trigger insertion of the cannula for the Hunn device. The cannula is thereupon automatically inserted by an inserting spring 21. See Hunn, ¶ 0073; Fig. 9. Therefore, Hunn discloses use of an automatic drive mechanism (i.e., the inserting spring 21). Hunn does not disclose manually moving the needle, as required by claim 1.

In previous Actions, it was suggested that the user's act of pressing the button 24 to trigger insertion by the Hunn device is manual movement. Such an interpretation is respectfully traversed. Further, the movement of the button 24 by the user does not occur "towards the skin of the patient," as required by claim 1. Instead, the button 24 is located on a side of the Hunn device. See Fig. 9. The button 24 is actuated in a direction that is perpendicular to that of the patient's skin upon which the Hunn device is placed.

Therefore, Hunn fails to disclose allowing the patient to move the housing relative to the sleeve towards the skin of the patient, as required by claim 1. Consideration and allowance of claim 1, as well as any claims that depend therefrom, are therefore requested.

III. Conclusion

Favorable consideration in the form of a Notice of Allowance is requested. Please contact the undersigned attorney with any questions.

The Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of these papers or to credit any overpayment to Deposit Account No. 13-2725.

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